

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,)	
Plaintiff,)	CR-06-2051-EFS-1
vs.)	
HUNG CHI VO,)	Final Order of Forfeiture
Defendant.)	

WHEREAS, on March 26, 2007, the Court entered a Preliminary Order of Forfeiture, pursuant to the provisions of 21 U.S.C. § 853, preliminarily forfeiting to the United States sale the real property located at 2707 Birchfield Road, Yakima, Washington, described below:

That portion of Government Lot 4 and the Southwest quarter of the Northwest quarter of Section 3, Township 12 North, Range 19, E.W.M., lying Easterly of the right of way of Birchfield Road,

EXCEPT beginning at the intersection of the West line of said subdivision and the centerline of Birchfield Road, said point being 3,633.3 feet North of the Southwest corner of said Section, thence North 32°07' East along said centerline 546.2 feet to the true point of beginning,

thence North 89°26' East 236.70 feet,

thence South 00°34' East 146.80 feet,

thence North 89°05' East 207.60 feet,

thence North 00°34' West 279.24 feet,

thence South 89°26' West 358.51 feet more or less, to the centerline of said road,

thence South 32°07' West 158.86 feet to the point of beginning,

AND EXCEPT the South 944.10 feet,

AND EXCEPT that part lying North of a line which is 1,601.60 feet North of and parallel to the South line of said Southwest quarter of the Northwest quarter of Section 3, Township 12 North, Range 19, E.W.M.,

Situate in Yakima County, Washington.

1 Together with an easement for access across the North 16 feet of the
2 following described property:

3 That portion of the West half of the Northwest quarter of Section 3,
4 Township 12 North, Range 19 E.W.M., described as follows:

5 Beginning at the intersection of the West line of said subdivision and the
6 centerline of Birchfield Road, said point being 3,633.3 feet North of the
7 Southwest corner of said section;

8 thence North 32°07' East along said centerline 546.2 feet to the true
9 point of beginning;

10 thence North 89°26' East 236.70 feet;

11 thence South 00°34' East 146.80 feet;

12 thence North 89°05' East 207.60 feet;

13 thence North 00°34' West 279.24 feet;

14 thence South 89°26' West 358.51 feet, more or less, the centerline of
15 said road;

16 thence South 32°07' West 158.86 feet to the point of beginning;

17 EXCEPT right-of-way for road along the West.

18 Together with all appurtenances, fixtures, attachments and
19 improvements thereto and thereupon.

20 WHEREAS Defendant HUNG CHI VO'S interest in the real property
21 described above was forfeited to the United States via pursuant to the plea agreement
22 and Stipulation for Order of Forfeiture filed herein.

23 WHEREAS, 21 U.S.C. § 853(n) and Fed. R. Crim. P. 32.2, require the
24 resolution of all third-party claims to the property in the final order of forfeiture.

25 On March 20, 2007, the United States and Khanh Tran, filed a Stipulation for
26 Order of Forfeiture, in which Khanh Tran agreed to the forfeiture of the real property
27 described above, and to the entry of a final order of forfeiture without hearing and
28 notice of presentment.

On March 28, 2007, the United States served, via certified mail, a copy of the
Notice of Preliminary Order of Forfeiture and Preliminary Order of Forfeiture, upon
Robert Norman, the attorney representing lienholder MTGLQ Investors, L.P
(hereafter "MTGLQ"). On April 30, 2007, MTGLQ filed a Statement of Interest to
claiming an interest in the real property. On December 12, 2007, the United States
and MTGLQ, by and through its attorney, Robert Norman, filed an Expedited
Settlement Agreement.

1 On April 19, 2007, the United States served, via certified mail, a copy of the
2 Notice of Preliminary Order of Forfeiture and Preliminary Order of Forfeiture, upon
3 Du Chi Vo, as evidenced by the Certificate of Service of Notice by Mail filed herein
4 on April 19, 2007. To date, Du Chi Vo has not filed a petition to claim an interest in
5 the real property.

6 On April 19, 2007, the United States served, via certified mail, a copy of the
7 Notice of Preliminary Order of Forfeiture and Preliminary Order of Forfeiture, upon
8 Dieu Thi Le, as evidenced by the Certificate of Service of Notice by Mail filed herein
9 on April 19, 2007. To date, Dieu Thi Le has not filed a petition to claim an interest
10 in the real property.

11 On March 30, April 6, and 13, 2007, the Notice of Preliminary Order of
12 Forfeiture was published in the Daily Sun News, a newspaper of general circulation
13 in Yakima County, Washington, which notified all third parties of their right to
14 petition the Court within thirty days for a hearing to adjudicate the validity of their
15 alleged legal interest in the real property described above. At the latest, this 30-day
16 period expired on May 21, 2007.

17 It appearing to the Court that Defendant, HUNG CHI VO'S interest has been
18 resolved by the plea agreement and stipulation filed herein;

19 It also appearing to the Court that Khanh Tran's interest has been resolved
20 through the entry of the Stipulation for Order of Forfeiture filed herein;

21 It also appearing to the Court that the MTGLQ's interest has been resolved
22 through the entry of the Expedited Settlement Agreement;

23 It further appearing to the Court that no other timely petitions have been made
24 claiming an interest in the real property;

25 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the real
26 property located at 2707 Birchfield, in Yakima, Washington, described herein, is
27 hereby condemned and forfeited to the United States of America and no interest shall
28 exist in any other person.

1 IT IS FURTHER ORDERED that upon sale of the real property, the United
2 States will pay Petitioner, MTGLQ, the following amounts:

3 a. All unpaid principal due to Petitioner, MTGLQ, in the amount
4 of \$202,895.51 as of September 8, 2006, pursuant to the Assignment of Deed of
5 Trust, dated November 29, 2006, and recorded January 8, 2007, in the official records
6 of the Yakima County Assessor's Office, under Recording Number 7543412,
7 transferring the interest secured by the Deed of Trust dated December 7, 2005,
8 recorded December 14, 2005, in the official records of the Yakima County Assessor's
9 Office under Recording Number 7486331, securing the Promissory Note dated
10 December 7, 2005;

11 b. all unpaid interest, which totaled \$10,427.84 through September
12 29, 2006, and additional interest calculated at the base contractual rate (not the
13 default rate) under the above mortgage instrument assessed at \$43.58 per diem, from
14 September 30, 2006, until the date of payment; and,

15 c. any real estate taxes and/or casualty insurance premiums advanced
16 by Petitioner, MTGLQ.

17 All claims to the subject property have been addressed, accordingly,

18 IT IS FURTHER ORDERED that the United States Marshals Service shall
19 dispose of the forfeited property in accordance with law.

20 ORDERED this 27th day of December, 2007.

21
22 s/ Edward F. Shea
23 Edward F. Shea
United States District Judge

24 Presented by:

25 James A. McDevitt
26 United States Attorney

27 s/Jared C. Kimball

28 Jared C. Kimball
Assistant United States Attorney